

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 Quentin Tarantino, ) Case No. **CV 14-603-JFW (FFMx)**  
12 Plaintiff, ) **STANDING ORDER**  
13 v. )  
14 Gawker Media, LLC., et al., )  
15 Defendants. )  
16 \_\_\_\_\_ )

17 **READ THIS ORDER CAREFULLY. IT CONTROLS THE CASE AND**  
18 **DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

19 This action has been assigned to the calendar of Judge  
20 John F. Walter. Both the Court and counsel bear  
21 responsibility for the progress of litigation in Federal  
22 Court. To secure the just, speedy, and inexpensive  
23 determination of every action, all counsel are ordered to  
24 familiarize themselves with the Federal Rules of Civil  
25 Procedure, the Local Rules of the Central District of  
26 California, the General Orders of the Central District and  
27 the Judge's Procedures and Schedules found on the website  
28 / / /

1 for the United States District Court for the Central District  
2 of California (www.cacd.uscourts.gov).

3 **1. Service of the Complaint:**

4 The plaintiff shall promptly serve the Complaint in  
5 accordance with Fed.R.Civ.P. 4 and shall file the proof(s) of  
6 service pursuant to the Local Rules. **The plaintiff is hereby**  
7 **notified that failure to serve the Complaint within 120 days**  
8 **as required by Fed.R.Civ.P. 4(m) will result in the dismissal**  
9 **of the Complaint against the unserved defendant(s).**

10 **2. Presence of Lead Counsel:**

11 Lead trial counsel shall attend all proceedings before  
12 this Court, including all scheduling, status, and settlement  
13 conferences. Only ONE attorney for a party may be designated  
14 as lead trial counsel unless otherwise permitted by the  
15 Court.

16 **3. Electronic Filing and Courtesy Copies:**

17 (a) Within ten days of a party's initial appearance, lead  
18 trial counsel shall file a declaration entitled, "Declaration  
19 of Lead Trial Counsel re: Compliance with General Order  
20 Authorizing Electronic Filing" which shall notify the Court  
21 that counsel has registered as an "ECF User." The  
22 declaration shall include counsel's "E-Mail Address of  
23 Record" and shall state whether counsel has consented or  
24 elected not to consent to service and receipt of filed  
25 documents by electronic means.

26 If counsel has not consented to the service and receipt  
27 of filed documents by electronic means, counsel shall  
28 immediately file and serve via U.S. Postal Service on all

1 parties who have appeared in the action a Notice advising all  
2 parties that counsel has elected not to consent to electronic  
3 service of documents in this action.

4 (b) All documents that are required to be filed in an  
5 electronic format pursuant to the General Order Authorizing  
6 Electronic Filing shall be filed electronically no later than  
7 4:00 p.m. on the date due unless otherwise ordered by the  
8 Court. Any documents filed electronically after 4:00 p.m. on  
9 the date due will be considered late and may be stricken by  
10 the Court. Any documents which counsel attempt to file  
11 electronically which are improperly filed will not be  
12 accepted by the Court.

13 (c) Counsel are ORDERED to deliver **2 copies** of all  
14 documents filed electronically in this action to Chambers.  
15 For each document filed electronically, one copy shall be  
16 marked "CHAMBERS COPY" and the other copy shall be marked  
17 "COURTESY COPY." The "CHAMBERS COPY" and "COURTESY COPY" are  
18 collectively referred to herein as "Courtesy Copies." The  
19 Courtesy Copies of each electronically filed document must  
20 include on each page the running header created by the ECF  
21 system. In addition, on the first page of each Courtesy  
22 Copy, in the space between lines 1 - 7 to the right of the  
23 center, counsel shall include the date the document was  
24 e-filed and the document number. The Courtesy Copies shall  
25 be delivered to Chambers no later than 10:00 a.m. on the next  
26 business day after the document was electronically filed.  
27 All documents must be stapled or bound by a two prong  
28 fastener, the electronic proof of service must be attached as

1 the last page of each document, and the exhibits attached to  
2 any document must be tabbed. Counsel shall not staple the  
3 "COURTESY COPY" and "CHAMBERS COPY" together. The "COURTESY  
4 COPY" of all documents must be three-hole punched at the left  
5 margin with oversized 13/32" hole size, not the standard  
6 9/32" hole size.

7 (d) For any document that is not required to be filed  
8 electronically, counsel are ORDERED to deliver 1 conformed  
9 copy of the document, which shall be marked "COURTESY COPY,"  
10 to Chambers **at the time of filing**.

11 (e) If the Court has granted an application to file  
12 documents under seal, the Court's Courtesy Copies shall  
13 include a complete version of the documents including any  
14 sealed documents with an appropriate notation identifying  
15 that portion of the document that has been filed under seal.  
16 For example, if the Court orders Ex. A to a Declaration filed  
17 under seal, the Court's Courtesy Copies of the Declaration  
18 should include Ex. A as an attachment with a notation that it  
19 has been filed under seal pursuant to the Court's order.

20 (f) In the unlikely event counsel finds it necessary to  
21 file a Notice of Errata: (1) the Notice of Errata shall  
22 specifically identify each error by page and line number and  
23 set forth the correction; and (2) a corrected version of the  
24 document in its entirety shall be attached to the Notice of  
25 Errata.

26 (g) When a proposed order accompanies an electronic  
27 filing, a WordPerfect or Word copy of the proposed order,  
28 along with a copy of the PDF electronically filed main

1 document shall be e-mailed to JFW\_Chambers@cacd.uscourts.gov.  
2 The subject line of the e-mail shall be in the following  
3 format: court's divisional office, year, case type, case  
4 number, document control number assigned to the main document  
5 at the time of filing, judge's initials and filer (party)  
6 name. Failure to comply with this requirement may result in  
7 the denial or striking of the request or the Court may  
8 withhold ruling on the request until the Court receives the  
9 required documents.

10 **4. Discovery:**

11 (a) All discovery matters have been referred to a United  
12 States Magistrate Judge. (The Magistrate Judge's initials  
13 follow the Judge's initials next to the case number.) All  
14 discovery documents must include the words "DISCOVERY MATTER"  
15 in the caption to ensure proper routing. Counsel are  
16 directed to contact the Magistrate Judge's Courtroom Deputy  
17 to schedule matters for hearing.

18 All decisions of the Magistrate Judge shall be final,  
19 subject to modification by the District Court only where it  
20 is shown that the Magistrate Judge's Order is clearly  
21 erroneous or contrary to law. Any party may file and serve a  
22 motion for review and reconsideration before this Court. The  
23 moving party must file and serve the motion within fourteen  
24 calendar days of service of a written ruling or within  
25 fourteen calendar days of an oral ruling that the Magistrate  
26 Judge states will not be followed by a written ruling. The  
27 motion must specify which portions of the ruling are clearly  
28 erroneous or contrary to law and support the contention with

1 a memorandum of points and authorities. Counsel shall  
2 deliver a courtesy copy of the moving papers and responses to  
3 the Magistrate Judge.

4 (b) Counsel shall begin to actively conduct discovery  
5 before the Fed.R.Civ.P. 26(f) conference because at the  
6 Scheduling Conference the Court will impose tight deadlines  
7 to complete discovery.

8 **5. Motions:**

9 **(a) Time for Filing and Hearing Motions:**

10 Motions shall be filed in accordance with the Local  
11 Rules. This Court hears motions on **Mondays commencing at**  
12 **1:30 p.m.** Once a party has noticed a motion for hearing on a  
13 particular date, the hearing shall not be continued without  
14 leave of Court. No supplemental briefs shall be filed  
15 without leave of Court. Courtesy Copies shall be provided to  
16 the Court in accordance with paragraph 3 of this Order. No  
17 motion shall be noticed for hearing for more than 35 calendar  
18 days after service of the motion unless otherwise ordered by  
19 the Court. Documents not filed in compliance with the  
20 Court's requirements will be stricken and will not be  
21 considered by the Court.

22 **(b) Local Rule 7-3:**

23 Among other things, Local Rule 7-3 requires counsel to  
24 engage in a pre-filing conference "to discuss thoroughly,  
25 *preferably in person*, the substance of the contemplated  
26 motion and any potential resolution." Counsel should discuss  
27 the issues with sufficient detail so that if a motion is

28 / / /

1 still necessary, the briefing may be directed to those  
2 substantive issues requiring resolution by the Court.

3 Many motions to dismiss or to strike could be avoided if  
4 the parties confer in good faith especially for perceived  
5 defects in a Complaint, Answer, or Counterclaim which could  
6 be corrected by amendment. See, e.g., *Eminence Capital, LLC*  
7 *v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003)(where a  
8 motion to dismiss is granted, a district court should provide  
9 leave to amend unless it is clear that the Complaint could  
10 not be saved by any amendment). The Ninth Circuit requires  
11 that this policy favoring amendment be applied with "extreme  
12 liberality." *Morongo Band of Mission Indians v. Rose*, 893  
13 F.2d 1074, 1079 (9th Cir. 1990).

14 These principles require counsel for the plaintiff to  
15 carefully evaluate the defendant's contentions as to the  
16 deficiencies in the Complaint, and in most instances, the  
17 moving party should agree to any amendment that would cure a  
18 curable defect. Counsel should, at the very least, resolve  
19 minor procedural or other nonsubstantive matters during the  
20 conference.

21 All 7-3 conferences shall take place via a communication  
22 method that, at a minimum, allows all parties to be in  
23 realtime communication (letters and e-mail, for example, do  
24 not constitute a proper 7-3 conference). Notwithstanding the  
25 exception for preliminary injunction motions in Local Rule 7-  
26 3, counsel contemplating filing a preliminary injunction  
27 motion shall comply with Local Rule 7-3 and meet and confer  
28 at least five days prior to the filing of such a motion.

1           **(c) Length and Format of Motion Papers:**

2           **Memoranda of Points and Authorities in support of or in**  
3 **opposition to motions shall not exceed 25 pages. Replies**  
4 **shall not exceed 12 pages.** Only in rare instances and for  
5 good cause shown will the Court grant an application to  
6 extend these page limitations. Courtesy Copies of all  
7 evidence in support of or in opposition to a motion,  
8 including declarations and exhibits to declarations, shall be  
9 separated by a tab divider on the bottom of the page. If  
10 evidence in support of or in opposition to a motion exceeds  
11 twenty pages, the Courtesy Copies of the evidence shall be  
12 placed in separately bound volumes and include a Table of  
13 Contents. If such evidence exceeds fifty pages, the Court's  
14 Courtesy Copies of such evidence shall be placed in a slant  
15 D-ring binder with each item of evidence separated by a tab  
16 divider on the right side. All documents contained in the  
17 binder must be three hole punched with the oversized 13/32"  
18 hole size, not the standard 9/32" hole size. The binder  
19 shall include a Table of Contents and the spine of the binder  
20 shall be labeled with its contents.

21           **Typeface shall comply with the Local Rules. NOTE: If**  
22 **Times Roman is used, the font size must be no less than 14;**  
23 **if Courier is used, the font size must be no less than 12.**  
24 Footnotes shall be in the same typeface and font size as the  
25 text and shall be used sparingly.

26           Documents which do not conform to the Local Rules and  
27 this Order will not be considered.

28       / / /



1           **(d) Citations to Case Law:**

2           Citations to case law **must** identify not only the case  
3 being cited, but the specific page referenced. In the event  
4 it is necessary to cite to Westlaw or Lexis, the Court  
5 prefers that counsel cite to Westlaw.

6           **(e) Citations to Other Sources:**

7           Statutory references should identify, with specificity,  
8 which sections and subsections are being referenced (e.g.,  
9 Jurisdiction over this claim for relief may appropriately be  
10 found in 47 U.S.C. § 33, which grants the district courts  
11 jurisdiction over all offenses of the Submarine Cable Act,  
12 whether the infraction occurred within the territorial waters  
13 of the United States or on board a vessel of the United  
14 States outside said waters). Statutory references which do  
15 not specifically indicate the appropriate section and  
16 subsection (e.g., Plaintiffs allege conduct in violation of  
17 the Federal Electronic Communication Privacy Act, 18 U.S.C. §  
18 2511, *et seq.*) are to be **avoided**. Citations to treatises,  
19 manuals, and other materials should similarly include the  
20 volume and the section referenced.

21           **(f) Proposed Orders:**

22           Each party filing or opposing a motion or seeking the  
23 determination of any matter shall prepare and submit to the  
24 Court a separate Proposed Order in accordance with the  
25 General Order Authorizing Electronic Filing. The Proposed  
26 Order shall set forth the relief or action sought and a brief  
27 statement of the rationale for the decision with appropriate  
28 citations.

1           **(g) Opposing Papers**

2           Within the deadline prescribed by the Local Rules, a  
3 party opposing a motion shall file: (1) an Opposition; or (2)  
4 a Notice of Non-Opposition. If a party files a Notice of  
5 Non-Opposition to a motion under Federal Rule of Civil  
6 Procedure 12(b), (e), or (f), that party shall state whether  
7 it intends to file an amended complaint in accordance with  
8 Federal Rule of Civil Procedure 15(a)(1).

9           **Failure to timely respond to any motion shall be deemed**  
10 **by the Court as consent to the granting of the motion. See**  
11 **Local Rules.**

12           **(h) Amended Pleadings**

13           In the event the Court grants a motion to dismiss without  
14 prejudice to filing an amended complaint, the plaintiff shall  
15 file an amended complaint within the time period specified by  
16 the Court. If no time period is specified by the Court, the  
17 plaintiff shall file an amended complaint within fourteen  
18 calendar days of the date of the order granting the plaintiff  
19 leave to file an amended complaint. Failure to file an  
20 amended complaint within the time allotted will result in the  
21 dismissal of the action with prejudice.

22           Whenever a plaintiff files an amended pleading, a  
23 redlined version of the amended pleading shall be delivered  
24 to Chambers indicating all additions and deletions to the  
25 prior version of that pleading.

26           In addition to the requirements of the Local Rules, all  
27 motions to amend the pleadings shall: (1) state the effect of  
28 the amendment; (2) be serially numbered to differentiate the

1 amendment from previous amendments; and (3) state the page,  
2 line number(s), and wording of any proposed change or  
3 addition of material. The parties shall deliver to Chambers  
4 a redlined version of the proposed amended pleading  
5 indicating all additions and/or deletions of material.

6 **6. Ex Parte Applications:**

7 Ex parte applications are solely for extraordinary  
8 relief. See *Mission Power Eng'g Co. v. Continental Cas. Co.*,  
9 883 F. Supp. 488 (C.D. Cal. 1995). Applications that fail to  
10 conform with the Local Rules, including a statement of  
11 opposing counsel's position, will not be considered. In  
12 addition to electronic service, the moving party shall  
13 immediately serve the opposing party by fax or hand service  
14 and shall notify the opposing party that any opposition must  
15 be filed not later than twenty-four hours after the filing of  
16 the ex parte application. If counsel does not intend to  
17 oppose the ex parte application, counsel shall immediately  
18 inform the Courtroom Deputy by e-mail and immediately file a  
19 Notice of Non-Opposition. The Court considers ex parte  
20 applications on the papers and usually does not set the  
21 matters for hearing. Courtesy Copies of all moving,  
22 opposition, or non-opposition papers shall be provided to the  
23 Court in accordance with paragraph 3 of this Order. The  
24 Courtroom Deputy will notify counsel of the Court's ruling or  
25 a hearing date and time, if the Court determines a hearing is  
26 necessary.

27 / / /

28 / / /

1 **7. Applications or Stipulations to Extend the Time to File**  
2 **any Required Document or to Continue Any Date:**

3 No applications or stipulations extending the time to  
4 file any required document or to continue any date are  
5 effective until and unless the Court approves them.

6 Applications and/or stipulations to extend the time to file  
7 any required document or to continue any hearing, Pre-Trial  
8 date, or the Trial date, must set forth the following:

9 (a) the existing due date or hearing date, as well as  
10 all dates set by the Court, including the discovery cut-off  
11 date, the Pre-Trial Conference date, and the Trial date;

12 (b) the new dates proposed by the parties;

13 (c) specific, concrete reasons supporting good cause for  
14 granting the extension; and

15 (d) whether there have been prior requests for extensions  
16 by any party, and whether those requests were granted or  
17 denied by the Court.

18 All applications and stipulations must be accompanied by  
19 a separate and independent proposed order which must be  
20 submitted to the Court in accordance with the General Order  
21 Authorizing Electronic Filing. Failure to submit a separate  
22 proposed order may result in the denial of the application or  
23 stipulation or the Court may withhold ruling on the  
24 application or stipulation until the Court receives a  
25 separate proposed order.

26 / / /

27 / / /

28 / / /

1   **8.   Temporary Restraining Orders and Injunctions:**

2       **(a)   Documentation Required:**

3       Parties seeking emergency or provisional relief shall  
4   comply with Fed.R.Civ.P.65 and the Local Rules. An ex parte  
5   application for a temporary restraining order must be  
6   accompanied by: (1) a copy of the complaint; (2) a separate  
7   memorandum of points and authorities in support of the  
8   application; (3) the proposed temporary restraining order and  
9   a proposed order to show cause why a preliminary injunction  
10   should not issue; and (4) such other documents in support of  
11   the application which the party wishes the Court to consider.

12       **(b)   Notice of Ex Parte Applications:**

13       Unless relieved by order of the Court for good cause  
14   shown, on or before the day counsel files an ex parte  
15   application for a temporary restraining order, counsel must  
16   personally serve notice and all documents in support of the  
17   ex parte application and a copy of the Court's Standing Order  
18   on opposing counsel or party. Counsel shall also notify the  
19   opposing party that any opposition must be filed no later  
20   than twenty-four hours after the service of the ex parte  
21   application. Counsel shall immediately file a Proof of  
22   Service.

23       If counsel does not intend to oppose the ex parte  
24   application, counsel shall immediately inform the Courtroom  
25   Deputy by e-mail and immediately file a Notice of Non-  
26   Opposition. The Court considers ex parte applications on the  
27   papers and usually does not set the matter for hearing.  
28   Courtesy Copies of all moving, opposition, or non-opposition

1 papers shall be provided to the Court in accordance with  
2 paragraph 3 of this Order. The Courtroom Deputy will notify  
3 counsel of the Court's ruling or a hearing date and time, if  
4 the Court determines a hearing is necessary.

5 **9. Proposed Protective Orders and Filings Under Seal:**

6 Protective orders pertaining to discovery must be  
7 submitted to the assigned Magistrate Judge. Proposed  
8 protective orders should not purport to allow, without  
9 further order of Court, the filing under seal of pleadings or  
10 documents filed in connection with a hearing or trial before  
11 the Court. The existence of a protective order does not  
12 alone justify the filing of pleadings or other documents  
13 under seal, in whole or in part.

14 An application to file documents under seal must meet the  
15 requirements of the Local Rules and shall be limited to three  
16 documents by a party, unless otherwise ordered by the Court.  
17 The application to file documents under seal should not be  
18 filed under seal. There is a strong presumption of the  
19 public's right of access to judicial proceedings and records  
20 in civil cases. In order to overcome the presumption in  
21 favor of access, the movant must demonstrate compelling  
22 reasons (as opposed to good cause) for the sealing if the  
23 sealing is requested in connection with a dispositive motion  
24 or trial, and the relief sought shall be narrowly tailored to  
25 serve the specific interest sought to be protected. *Pintos*  
26 *v. Pacific Creditors Ass'n*, 605 F.3d 665 (9th Cir. 2010),  
27 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th  
28

1 Cir. 2006), *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d  
2 1122, 1135 (9th Cir. 2003).

3 For each document or other type of information sought to  
4 be filed under seal, the party seeking protection must  
5 articulate compelling reasons supported by specific facts or  
6 legal justification that the document or type of information  
7 should be protected. The facts supporting the application to  
8 file documents under seal must be provided by a declaration.  
9 Documents that are not confidential or privileged in their  
10 entirety will not be filed under seal if the confidential  
11 portions can be redacted and filed separately. The  
12 application to file documents under seal should include an  
13 explanation of why redaction is not feasible.

14 If a party wishes to file a document that has been  
15 designated confidential by another party, the submitting  
16 party must give any designating party five calendar days  
17 notice of intent to file. If the designating party objects,  
18 it should notify the submitting party and file an application  
19 to file documents under seal within two court days.

20 If the parties anticipate requesting the Court to file  
21 more than three documents under seal in connection with any  
22 motion, they shall identify all such documents that will be  
23 required to support and oppose the motion during the Local  
24 Rule 7-3 conference. The parties shall then meet and confer  
25 in order to determine if the documents satisfy the  
26 "compelling need" standard for "sealing" each document.  
27 Thereafter, the parties shall file a joint application and  
28 lodge a proposed order to file under seal all such documents

1 with the required showing as to each document. The joint  
2 application shall be filed promptly so that the Court may  
3 rule on the application before the filing date for the  
4 motion. The parties shall not file any pleadings containing  
5 documents they have requested the Court to file under seal  
6 until the Court acts on the application to file under seal.

7 If an application to file documents under seal is denied  
8 in part or in full, the lodged documents will not be filed.  
9 The Courtroom Deputy will notify the submitting party, and  
10 hold the lodged documents for three court days to allow the  
11 submitting party to retrieve the documents. If the documents  
12 are not retrieved, the Courtroom Deputy will dispose of the  
13 documents.

14 A redacted version for public viewing, omitting only such  
15 portions as the Court has ordered filed under seal shall be  
16 promptly filed by the parties after the Court's Order sealing  
17 the documents. Should counsel fail to file a redacted  
18 version of the documents, the Court will strike any motion  
19 that relies on or relates to the document and/or file the  
20 document in the public record.

21 If the Court grants an application to file documents  
22 under seal, the Court's Courtesy Copies shall include a  
23 complete version of the documents with an appropriate  
24 notation identifying the document or the portion of the  
25 document that has been filed under seal.

26 **10. Cases Removed From State Court:**

27 All documents filed in state court, including documents  
28 attached to the Complaint, Answer(s), and Motion(s), must be



1 re-filed in this Court as a separate supplement to the Notice  
2 of Removal. The supplement must be in a separately bound  
3 volume and shall include a Table of Contents. If the  
4 defendant has not yet answered or moved, the Answer or  
5 responsive pleading filed in this Court must comply with the  
6 Federal Rules of Civil Procedure and the Local Rules of the  
7 Central District. If before the case was removed a motion  
8 was pending in state court, it must be re-noticed in  
9 accordance with the Local Rules.

10 **11. Actions Transferred From Another District**

11 Counsel shall file, within ten days of transfer, a Joint  
12 Report summarizing the status of the action which shall  
13 include a description of all motions filed in the action and  
14 the transferor court's ruling on the motions. In addition,  
15 counsel shall deliver (but not file) one courtesy copy to  
16 Chambers of each document on the docket of the transferor  
17 court. On the first page of each courtesy copy, in the space  
18 between lines 1 - 7, to the right of the center, counsel  
19 shall include the date the document was filed and the  
20 document number. The courtesy copies shall be placed in a  
21 slant D-ring binder in chronological order with each document  
22 separated by a tab divider on the right side. All documents  
23 contained in the binder must be three hole punched with the  
24 oversized 13/32" hole size, not the standard 9/32" hole size.  
25 The binder shall include a Table of Contents and the spine of  
26 each binder shall be labeled with its contents. The courtesy  
27 copies shall be delivered to Chambers within ten days of the  
28 transfer.

1 **12. Status of Fictitiously Named Defendants:**

2 This Court adheres to the following procedures when a  
3 matter is removed to this Court on diversity grounds with  
4 fictitiously named defendants referred to in the Complaint:

5 (a) Plaintiff shall ascertain the identity of and serve  
6 any fictitiously named defendants within 120 days of the date  
7 that the Complaint was filed in State Court.

8 (b) If plaintiff believes (by reason of the necessity for  
9 discovery or otherwise) that fictitiously named defendants  
10 cannot be fully identified within the 120-day period, an ex  
11 parte application requesting permission to extend the period  
12 to effectuate service may be filed with the Court. Such  
13 application shall state the reasons therefore, and will be  
14 granted only upon a showing of good cause. The ex parte  
15 application shall be served upon all appearing parties, and  
16 shall state that appearing parties may respond within seven  
17 calendar days of the filing of the ex parte application.

18 (c) If plaintiff desires to substitute a named defendant  
19 for one of the fictitiously named defendants, plaintiff shall  
20 first seek the consent of counsel for all defendants (and  
21 counsel for the fictitiously named party, if that party has  
22 separate counsel). If consent is withheld or denied,  
23 plaintiff shall file an ex parte application requesting such  
24 amendment, with notice to all appearing parties. Each party  
25 shall have seven calendar days to respond. The ex parte  
26 application and any response should comment not only on the  
27 substitution of the named party for a fictitiously named  
28 defendant, but on the question of whether the matter should

1 thereafter be remanded to the Superior Court if diversity of  
2 citizenship is destroyed by the addition of the new  
3 substituted party.

4 **13. Bankruptcy Appeals:**

5 Counsel shall comply with the Notice Regarding Appeal  
6 From Bankruptcy Court issued at the time the appeal is filed  
7 in the District Court. Counsel are ordered to notify the  
8 Court in a joint report if the Certificate of Readiness has  
9 not been prepared by the Clerk of the Bankruptcy Court and  
10 submitted to the Clerk of the District Court within 90 days  
11 of the date of this Order.

12 The matter is considered submitted upon the filing of the  
13 final brief. No oral argument is held unless ordered by the  
14 Court.

15 **14. Communications with Chambers:**

16 Counsel shall not attempt to contact the Court or its  
17 Chambers staff by telephone or by any other ex parte means,  
18 although counsel may contact the Courtroom Deputy at  
19 shannon\_reilly@cacd.uscourts.gov with appropriate inquiries.  
20 To facilitate communication with the Courtroom Deputy,  
21 counsel should list their facsimile transmission numbers and  
22 e-mail address along with their telephone numbers on all  
23 papers.

24 **15. Notice of This Order:**

25 Counsel for plaintiff shall immediately serve this Order  
26 on all parties, including any new parties to the action. If  
27 / / /

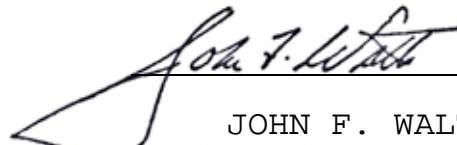
28

1 this case came to the Court by noticed removal, defendant  
2 shall serve this Order on all other parties.

3 **Caveat:** If counsel fail to cooperate in the preparation of  
4 the required Joint Rule 26 Report or fail to file the  
5 required Joint Rule 26 Report, or if counsel fail to appear  
6 at the Scheduling Conference, the Pre-Trial Conference and/or  
7 any other proceeding scheduled by the Court, and such failure  
8 is not otherwise satisfactorily explained to the Court: (a)  
9 the cause shall stand dismissed for failure to prosecute, if  
10 such failure occurs on the part of the plaintiff; (b) default  
11 judgment shall be entered if such failure occurs on the part  
12 of the defendant; or (c) the Court may take such action as it  
13 deems appropriate.

14  
15 IT IS SO ORDERED.

16  
17 DATED: January 28, 2014



JOHN F. WALTER  
UNITED STATES DISTRICT JUDGE